

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MARQUIS MODELS, INC.,

Plaintiff,

vs.

GREEN VALLEY RANCH GAMING, LLC, et al.,

Defendants.

Case No. 2:05-cv-01400-KJD-PAL

**ORDER**

(M/Withdraw - #83)  
(M/Protective Order, Quash & Vacate - #87)  
(M/Extension - #92)

The court conducted a hearing on December 12, 2006 on (1) a Motion to Withdraw as Counsel (#83) filed by Callister & Reynolds, counsel for Garrick Entertainment, LLC; (2) Defendant Garrick Entertainment, LLC's Motion for Protective Order and Motion to Quash and Vacate Defendant's Notice of Intent to Take Oral Deposition of Garrick Edwards (#87); and (3) Defendant Garrick Entertainment, LLC's Motion for Thirty-Day Extension to the Existing Discovery Cut-off and Dispositive Motions Deadline (#92). The court has considered the motions, Responses and Joinders (#89, #93), and the arguments of counsel at the hearing. Having reviewed and considered the matters, the court makes the following findings:

1. Garrick Entertainment, LLC, has failed to adequately communicate with counsel, failed to timely provide information requested from counsel and documentation required in discovery, and failed to cooperate in timely responding to reasonable requests by its counsel, Callister & Reynolds.
2. Garrick Edwards has failed to make himself available for deposition in Las Vegas, Nevada, although he is a resident of Henderson, Nevada, within this district.

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- 1           3.       Garrick Entertainment, LLC, and Garrick Edwards have not established that Mr.
- 2               Edwards' business dealings in the Bahamas or financial condition precludes his personal
- 3               appearance for deposition in this district.
- 4           4.       Garrick Entertainment, LLC's failure to cooperate with counsel and engage in discovery
- 5               has thwarted the parties' ability to complete discovery, file dispositive motions, if
- 6               appropriate, and the joint pretrial order.
- 7           5.       This failure to engage in reasonable discovery has interfered with the court's discovery
- 8               plan and scheduling order deadlines, the court's management of its docket, and
- 9               expeditious resolution of this case.

10       For good cause shown,

11       **IT IS ORDERED:**

- 12       1.       The Motion to Withdraw as Counsel (#83) is GRANTED. Inasmuch as a corporation
- 13               cannot appear except through counsel, U.S. v. High Country Broadcasting Co., Inc.,
- 14               3 F.3d 1244, 1245 (9<sup>th</sup> Cir. 1993); Rowland v. California Men's Colony, 506 U.S. 194,
- 15               201-02, 113 S.Ct. 716, 721, 121 L.Ed.2d 656 (1993), Garrick Entertainment, LLC, shall
- 16               have until **January 11, 2007** in which to obtain substitute counsel who shall make an
- 17               appearance in this action.
- 18       2.       Defendant's Motion for Protective Order and Motion to Quash and Vacate Defendant's
- 19               Notice of Intent to Take Oral Deposition of Garrick Edwards (#87) is DENIED as moot.
- 20       3.       Defendant's Motion for Thirty-Day Extension (#92) is DENIED.
- 21       4.       Garrick Edwards shall make himself available for deposition in the District of Nevada
- 22               **no later than January 26, 2007.**
- 23       5.       The failure of Garrick Entertainment, LLC, and/or Garrick Edwards to comply with the
- 24               court's order shall result in a recommendation to the District Judge that the answer of

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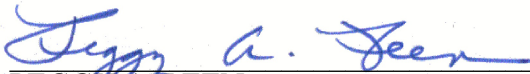
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Garrick Entertainment, LLC, be stricken and default judgment entered against it, and  
that Garrick Entertainment, LLC's counterclaims and third-party claims be dismissed.

Dated this 12th day of December, 2006.

  
PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE